

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MARK H. MURDOCH,)

Plaintiff,)

v.)

Case No. CIV-24-509-SM

MARTIN O'MALLEY,)

Commissioner of Social)

Security,)

Defendant.)

REPORT AND RECOMMENDATION

Plaintiff, appearing pro se, initiated this action seeking review of the Commissioner of Social Security's decision denying Supplemental Security Income benefits. Doc. 1.¹ The parties did not consent to disposition by a Magistrate Judge before the deadline set by this Court. *See* Doc. 12, at 4; *see also* 28 U.S.C. § 636(c). Defendant Commissioner of Social Security now moves for voluntary reversal of the final decision under Sentence Four of 42 U.S.C. § 405(g). Doc. 13. The undersigned recommends the Court grant the Commissioner's motion—reversing the agency's denial of benefits and remanding this matter for further administrative proceedings.

¹ Citations to a court document are to its electronic case filing designation and pagination. Except for capitalization, quotations are verbatim unless otherwise indicated.

I. Analysis.

Sentence Four of § 405(g) authorizes the Court to enter a judgment “reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g); *see also Shalala v. Schaefer*, 509 U.S. 292 (1993). After conferring with Plaintiff, who does not oppose the relief sought, the Commissioner has requested the Court remand this matter to the agency for further administrative proceedings. Doc. 13. The undersigned recommends remand.

II. Recommendation and notice of right to object.

For the reasons set forth above, the undersigned recommends the Court grant the Commissioner’s motion to reverse its decision denying Supplemental Security Income benefits and remand this matter for further administrative proceedings. *See* Doc. 13.

The undersigned advises Plaintiff of his right to file an objection to this report and recommendation with the Clerk of this Court on or before September 30, 2024, in accordance with 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). The undersigned further advises Plaintiff that failure to make a timely objection to this report and recommendation waives

the right to appellate review of both factual and legal questions contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

ENTERED this 16th day of September, 2024.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE